

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PROCLAMATION

Commissioner Stanton read a proclamation declaring Thursday, September 30, 2004, as Kickoff Day for the 2004 Employee Giving Campaign. Susan Wilson, Campaign Chair, accepted the proclamation.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Stanton to approve items 1 through 14. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 157A)

PUBLIC HEARING: TEFRA

Held a public hearing to consider proposed issuance by the County pursuant to chapter 35.82 RCW and a plan of financing with respect to the Center for Community Health of certain obligations the interest on which will be excluded from gross income for federal income tax purposes pursuant to Sections 103 and 145 of the Internal Revenue Code of 1986, as amended.

Project Description: Construct, equip, and furnish a Center for Community Health on 6 acres of the United States Department of Veterans Affairs Medical Center Complex in Vancouver, Washington. The Project will house County departments, including the Health Department, Department of Community Services, and the County's Crisis Triage Center. The VA will occupy a portion of the project and the remaining portions of the project will be leased to various qualified 501(c)(3) nonprofit agencies providing mental health and alcohol and chemical dependency services. Not to exceed \$38,000,000.

Project Location: Veterans Administration Campus, 1601 East Fourth Plain Boulevard, Vancouver, Washington.

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

John Payne, Treasurer's Office, introduced Bill Tonkin of Foster Pepper & Shefelman.

Bill Tonkin, Foster Pepper & Shefelman PLLC, presented. He explained that the portion of the bonds to be issued, which will be financing the Community Health Center, in part represent facilities for qualified 501(c)(3) organizations, i.e. they would be leasing a part of the property in the building and making payments to the county accordingly. Because the agencies technically qualify as 501(c)(3) organizations, Federal tax law requires that the issuer have a public hearing in order to receive public comment in respect to the financing.

Morris asked how much money they were talking about.

Payne said the total cost of the building was \$38 million and that as part of that cost the county was contributing \$7.5 million from various sources in cash to reduce the price relative to the tenants. He said that the issuance they would be later discussing was for \$24,000,095. He said that the remaining part of the cost of the building – approximately \$8 million – will be issued next year, if the Department of Community Services doesn't have grants to make up that difference.

Morris asked Mike Piper to explain the financing.

Mike Piper, Director, Department of Community Services, explained that the leases would require the tenants to pay a lease cost to the county and that that revenue would be used to retire the debt on the bonds and pay the maintenance and operations expenses. He stated that they had a \$3 million request before the Governor's Office, which was favorably received; a \$5 million request before the Federal government; and a \$3 million capital budget item in DSHS's budget. He said that if some or part of that should come in, the leases would be much more affordable for the tenants. However, should they not require anymore revenue, all the tenants have prepared for and budgeted for the actual cost as it stands today. He furthered explained. Piper clarified that no money from the local Veteran's Resource Fund would be used to pay for the cost of the building. In fact, they've offered free space to the local Clark County Veteran's Resource Fund Committee and if they would like to provide services out of the building, there would be no charge.

There was no public comment.

[No action necessary]

PUBLIC HEARING: LTGO BONDS

Held a public hearing to consider a Resolution relating to contracting indebtedness; providing for the issuance of \$57,870,000 par value of Limited Tax General Obligation Bonds, 2004, Series

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

A, to finance or refinance various County facilities and to pay the costs of issuance and sale of such series of bonds, and \$1,745,000 Limited Tax General Obligation Bonds, 2004, Series B (Taxable), of the County to finance or refinance certain low-income housing projects and to pay the costs of issuance of sale of such series of bonds; fixing the date, form, maturities, interest rates, terms and covenants of the bonds; establishing a bond redemption fund; and providing for the public sale of the bonds.

John Payne, Treasurer's Office explained that the resolution was for two bonds: 1) 2004 Series A Bonds, in the amount of \$57,870,000 (tax-exempt), including the \$24,000,095 he referenced earlier for the Community Health Building, \$18,795,000 for the Exposition Hall, \$5.4 million for the County Assessor/Treasurer system replacement, \$6.4 million of conservation futures acquisitions, and roughly \$3.1 million for the purchase of the Pepsi building, and costs associated with the issuance; and 2) 2004 Series B Bonds (taxable), with the bonds being financed by House Bill 2020 – Low Income Recording Fee. Payne said that up to \$250,000 was set aside in an Interlocal in 2003 allowing for acquisition by the Housing Authority of low income housing, which could then be operated by other providers approved by the Board of Commissioners. He further explained that because they don't know for sure if some of the providers are for-profit, they are issuing it as taxable; however, it still meets the \$250,000 annual cap on the debt service – an amount of \$1,775,000.

Stanton clarified that they were taxable just in case the loans under the program go to a for-profit organization.

Payne further explained.

Tonkin stated that the resolution authorizes the issuance of the bonds and sets the general parameters for the bonds. It's a not-to-exceed amount for each series because it further authorizes the Treasurer to sell them at a competitive sale to take place at a future hearing. He said that when the winning bid is selected, they would come back before the board with a sale resolution that would have the specific maturity amount for each year and the interest rates for each maturity. He added that the actual closing would then take place one month from this hearing, when the county would receive the funds. He reiterated that the taxable series is structured in order to protect the county against the bonds becoming taxable. He further explained.

There was no public comment.

MOVED by Pridemore to approve Resolution 2004-09-14. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 157A)

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

PUBLIC MEETING: WARK SUBDIVISION PLD2003-00047; SEP2003-00091; ARC2003-00055; HAB2003-00194

Held a public meeting to consider appeals of the Clark County Land Use Hearing Examiner's decision regarding an application by Moss & Associates for a preliminary plat to divide 4.76 acres into 21 lots in the R1-7.5 zone west of NE 29th Avenue and north of 144th Street. Hearing continued from September 21, 2004.

The Board of Commissioners received no public comment, oral or written, at this meeting.

Commissioner Morris certified reading the parts of the record relevant to making a decision on the appeal. Commissioner Pridemore certified reading the record. Commissioner Stanton stated that there were some exhibits that she would like to study more closely. She said that if Commissioners Morris and Pridemore were unable to come to an agreement on the appeal, she would like to continue the hearing so that she would be able to further study the record.

Pridemore suggested that they work from the staff report. He said they essentially had two issues: the habitat and the extension of 144th Street and cross-circulation. He said as he went through the record, he found that there was a lot of conflicting testimony, opinions, and different methods of valuation. Pridemore stated that the hearings examiner was correct in reviewing and balancing the different suggestions and coming up with a solution that complied with county code. He said he couldn't find error with what the hearings examiner did and that there was substantial evidence in the record to support his conclusions.

Morris agreed overall that there was substantial evidence and that the hearings examiner could not be found to have made error. She added that this was an interesting appeal; that both the appellant and applicant were accruing to the board more authority than they actually have, both on the issue of the road and the application of the Habitat Ordinance. Morris stated that the code is clear and states that the board shall abide by the opinion of WDFW. She further explained.

Pridemore agreed and stated that he found that WDFW did provide rationale for the [appellant/applicant's] determination, particularly in the form of Mr. Dugger's testimony. However, he said it would be desirable for them to provide clear findings and statements so that there wouldn't be any ambiguity.

Morris asked if there was a resume for the WSU Professor(s). She noted that she didn't see a resume, but that she finds them to be helpful.

Pridemore asked Chris Horne if he felt the board had adequately addressed the concerns as related to the Habitat Conservation Ordinance.

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

Chris Horne, Prosecuting Attorney's Office, said it was correct to say that it's up to the examiner to weigh evidence and decide credibility and it's not up to the board to reevaluate that. He further explained.

Morris verified that regarding the Habitat Conservation Ordinance, the Board was going to uphold the hearings examiner. She moved onto the transportation issue and stated that she would again uphold the hearings examiner's decision because she couldn't find any evidence in the record to refute the staff report and staff's findings, which the hearings examiner did adopt. He had sufficient reason to adopt the conclusions he did.

Pridemore agreed. He said he did struggle with the neighbors' understanding of the situation and what representation was made in terms of whether the street would extend through. However, the code requirements are very clear and suggest that this was a proper solution for transportation in the area. The hearings examiner applied all the appropriate standards and *Pridemore* said he couldn't find any reason to overturn him.

Morris commented that the code is intended to be read within its context; within the entire part of the code. She further explained. *Morris* also referenced a comment in the appeal by the appellants regarding a different subdivision in which the houses were upscale and not required to have through traffic. *Morris* said she drove there to see if that was the case and said the road wasn't connecting to an arterial or even an internal collector. She said it was an internal circulation road. She said at the end of one of the roads, it's clearly left there in case the road does need to go through. She said the appellant's suggestion that only wealthy and higher-end subdivisions get to have a cul de sac isn't accurate. She stressed that the county desires cross-circulation.

MOVED by *Pridemore* to uphold the hearings examiner in the matter of Wark Subdivision. Commissioners *Morris* and *Pridemore* voted aye. Commissioner *Stanton* abstained. Motion carried. (See Tape 157A)

The board adjourned and reconvened as the Board of Health.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

There being no public comment, **MOVED** by Stanton to approve consent agenda items 1 and 2. Board Members Morris, Stanton, and Pridemore voted aye. Motion carried. (See tape 157A)

Adjourned

COMMISSIONERS PROCEEDINGS
SEPTEMBER 28, 2004
CLARK COUNTY, WASHINGTON

BOARD OF COUNTY COMMISSIONERS

Betty Sue Morris/s/
Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore/s/
Craig A. Pridemore, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

rt